

Amendments to the Drawings:

The attached replacement drawing sheet includes changes to FIGS. 1 and 2 which have been amended to indicate that the Retailer/Retail Store delivers a “device” to the End Customer.

REMARKS

Claim Status

Claims 1-4 are pending, with claim 1 being the sole independent claim. The Specification has been amended. The Abstract of the Disclosure has been amended. The Drawings have been amended. Claims 1-4 have been amended. The amendments to claims 2-4 are to correct minor informalities, and are cosmetic in nature. No new matter has been added by way of the above amendments. Reconsideration of the application, as amended, is respectfully requested.

Overview of the Office Action

The specification, the Abstract and claims 1-2 have been objected to for certain informalities.

Claim 1 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-4 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2001/0054101 ("*Bernabeo*").

Amendments Addressing Section 112 Issues and Formalities

The specification has been objected to for failing to include the title for each of the subsections. In response to this objection, Applicant has amended the Specification in a manner which is self-explanatory. Reconsideration and withdrawal of the objections to the specification are respectfully requested.

The heading of the Abstract has been amended to recite --Abstract of the Disclosure-- as required by the Examiner. In addition, the reference to Figure 1 has been deleted. Withdrawal of the objection to the Abstract is in order.

Claim 1 was objected to because “without the individual code of the device (1)” was recited twice in claim 1. In addition, claim 2 included the limitation “device code(1) in device 1”. In response to these objections, claims 1 and 2 have been amended in a manner that is self-explanatory. Withdrawal of these objections is therefore in order.

Claim 1 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response to this rejection, Applicants have amended claim 1 in a manner that is self-explanatory.

The Examiner has stated it is unclear what is meant by “the previous...” and has suggested that the term should be deleted. The Examiner's suggestion has been adopted.

Descriptive Summary of the Prior Art

Bernabeo discloses an “electronic purchasing system ... which facilitates transactions between vendors and purchasers” (see paragraph [0013], lines 1-4). *Bernabeo* states, “a purchaser [is allowed] to complete a part of a purchase transaction in cyberspace, and a remainder of the transaction in real space”. *Bernabeo* also states, “electronic sales codes and corresponding electronic redemption codes are generated in response to an electronic commerce transaction between a purchaser and a vendor for a ‘good’ (i.e., a good or service, e.g, goods, tickets, admittance to an event, hotel reservations, etc)” (see paragraph [0014], lines 7-12). *Bernabeo* teaches that the “electronic redemption code is transmitted to an electronic storage

device capable of storing the electronic redemption code, and [that] the electronic sales code is transmitted to a server accessible to an electronic redemption device and is marked as valid” (see paragraph [0014], lines 12-16). An electronic redemption device is located at a physical extension of the vendor (i.e., at a ‘real-world’ store or forum where the good is available) (see paragraph [0014], lines 16-18). *Bernabeo* further states, the “user may transport the electronic redemption code in the electronic storage device or transmit the electronic redemption code to another electronic storage device to facilitate transporting the electronic redemption code” (see paragraph [0014], lines 19-22).

Summary of Subject Matter Disclosed in the Specification

The following descriptive details are based on the specification. They are provided only for the convenience of the Examiner as part of the discussion presented herein, and are not intended to argue limitations which are unclaimed.

The present invention relates to a method for providing an individual device code for an electronic device that is required for at least the initial commissioning of the device, whereby the device is inoperable without the input of the individual device code (see pg. 1, paragraph 1 of the specification).

In accordance with the method of the invention, a device number and the appropriate device code for a device to be delivered are initially stored in a database. In this case, the manufacturer of the device performs this initial step. However, the device may be delivered to a distribution center where the initial step is performed. Subsequently, the device is delivered, whereby the device as a rule is delivered directly to an end customer, but can also be first delivered to a further processing site or an intermediary site, such as a retailer. At this point, the device is not yet operable because

the device code is required for at least the first commissioning of the device. However, it is still not possible to read the device code from the database because the input of a code number is a prerequisite for readout of the device code (see pg. 4, 5th paragraph of the specification).

Patentability of the Independent claims over the Prior art

Applicants have carefully considered the Examiner's rejection, and the comments provided in support thereof, and respectfully disagree with the Examiner's analysis. For the reasons which follow, it is respectfully submitted that all claims of the present application are patentable over the cited reference.

The Examiner contends (pg. 4 of the Office Action) that:

Bernabeo discloses the storing of device number and device code in a database see Par. 0027-0028 (Bernabeo discloses of further having a purchaser redemption code associated with each device this suggests that a number be part of this in order for there to be a link by particular purchaser and redemption code, further illustrated by the movie access disclosed by Bernabeo see Par. 0030). Bernabeo further discloses the delivery of the device see Par. 0036 & Fig. 5A item 106; Bernabeo also discloses the readout simultaneously of the code and number see Par. 0028.

With respect to the foregoing statement, the following is noted. Independent claim 1 recites the steps of "electronically storing a device number and an appropriate device code in a database; delivering the device to a further processing site; and enabling electronically reading out the stored device code in conjunction with the device number from the database for at least the first commissioning of the device only when a selected code number is provided in conjunction with the device number." *Bernabeo* fails to teach a method that relates to this technique for providing device codes for electronic devices which require the device code in order to be initially commissioned.

In the method disclosed in *Bernabeo*, the first step is for a purchaser to pay a certain

amount of money to the vendor or to make a reservation for goods (see paragraph [0026], lines 1-17). The second step is to deliver a redemption code to a storage designated to the purchaser (see paragraph [0026], lines 18-22). In a third step, the purchaser goes to a “physical” store, i.e., a “brick-and-mortar” store, to pick up the purchased goods (see paragraph [0026], lines 22-26). By using the redemption code, a verification is made by the store as to whether the requested goods or services have already been paid (see paragraph [0026], lines 26-30). If a payment has been made, then the store delivers the goods to the end customer (see paragraph [0026], lines 32-34).

In contrast, the invention is directed to preventing theft of electronic devices before delivery of the device to an end customer (see page 1, paragraph 2 of the specification). For example, if computers manufactured by a manufacturer are shipped to a store and the computers are stolen on their way to the store, it is the manufacturer who is often times responsible for replacing the stolen computers. Therefore, it is an interest of the manufacturer to ship computers that are inoperable while in transit to the end customer. After the computer is sold to the customer in, for example, a retail store, the customer becomes the proprietor of the computer and therefore, the risk that the computer might be stolen is passed to the customer. Consequently, in accordance with the invention, the device code is provided after selling the computer, i.e. the device code is provided by the retail store at the earliest.

The problem solved by the present invention is not solved by the method disclosed in *Bernabeo*. When shipping goods from the manufacturer to the store, wherein the purchaser can obtain the goods using his redemption code, it is still the manufacturer’s risk that the goods might be stolen, since the devices are fully operable (in the case when the method according to *Bernabeo* is applied to electronic devices). *Bernabeo* fails to teach or suggest the steps of

“electronically storing a device number and an appropriate device code in a database; delivering the device to a further processing site; and enabling electronically reading out the stored device code in conjunction with the device number from the database for at least the first commissioning of the device only when a selected code number is provided in conjunction with the device number,” as recited in amended independent claim 1.

Moreover, claim 1 recites a “method for providing an individual device code for an electronic device, which is required for at least the first commissioning of the device, whereby the device is inoperable without the individual device code of the device”. The term “first commissioning” refers to when an electronic device is started (e.g., set up) for the first time. Prior to obtaining the device code, the device is inoperable without the individual device code,” as recited in amended claim 1. *Bernabeo* fails to teach a method that includes the distinguishing features of claim 1. In view of the foregoing, Applicants respectfully assert that *Bernabeo* fails to anticipate amended independent claim 1. Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. §102 are in order, and a notice to that effect is earnestly solicited.

Moreover, due to the fundamental above-discussed differences between the present claimed invention and *Bernabeo*, it is clear that the present invention is patentable over this reference under 35 U.S.C. §103.

Dependent Claims

In view of the patentability of independent claim 1, for the reasons set forth above, dependent claims 2-4 are all patentable over the prior art. In addition, these claims include features which serve to even more clearly distinguish the present invention over the prior art.

For example, dependent claim 3 recites that the device code is an invoice number of a

retailer, and dependent claim 4 recites that the device code is stored in the database in conjunction with an appropriate device number from a manufacturer of the device. Each of these claims is directed to how to provide the device code to the purchaser of an electronic device. *Bernabeo* fails to teach this claimed feature. Therefore, claims 3 and 4 are also patentable over *Bernabeo* for this additional reason.

Conclusion

Based on all of the above, it is respectfully submitted that the present application is now in proper condition for allowance. Prompt and favorable action to this effect and early passing of this application to issue are respectfully solicited.

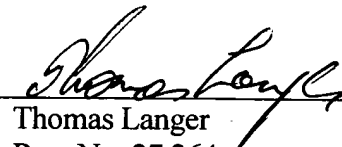
Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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